REMARKS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject Application.

Rejection of the Claims

In the Office Action mailed December 14, 2004, claims 1, 15, 26, 33, and 35 stand rejected under 35 U.S.C. §112, first and second paragraph. Claims 1, 2, 14-17, 26-28 and 33-35 were rejected under 35 U.S.C. § 102(e) as being anticipated. Claims 3-13, 18-25, 29-32 and 36-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable.

No claims are amended. No claims are canceled. Claims 1-40 remain in the Application for consideration.

35 U.S.C. § 112 Second Paragraph

In the present Office Action, *claims 1, 15, 26, 33, and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject mater which applicant regards as the invention. The "installing ... not at the client" is unclear since the client must have a driver to communicate with the server's driver.* (Final Office Action page. 2).

In making the rejection, the Office states that the ""installing ... not at the client" is unclear *since the client must have a driver to communicate with the server's driver* (emphasis added)." The Office does not provide a citation for its blanket assertion that "the client must have a driver to communicate with the server's driver". The Specification of the present Application does not contain

16

25 MAR 01 2005 12:03 FR LEE - HAYES PLL 509 323 8979 TO 17038729306 P.19/23

25 S/N 09/454,221   Response to Final Office Action Dated 12/14/2004

1   any such statement, either express or implied. In contrast, the present Application,

2   describes "a server/client computer system 30 having a server 32, a first client 34

3   and a second client 36 interconnected via a network 38 so that the server 32 and

4   the clients 34, 36 can exchange information over the network 38" (Specification,

5   Pg. 5, lines 7-11).

6   The Specification further continues that:

7   The *server 32 is configured to provide a logically*

8   *independent machine for each client* 34, 36 connected to the

9   network 38. *That is, the server 32 establishes a session for each*

10   *client 34, 36, provides the desktop 40, 42 for each client 34, 36, and*

11   *makes server resources available to the clients 34, 36.* Such

12   resources include, but are not limited to, allocations of processor

13   time, memory, data storage, video processing, application programs,

14   etc. *A user of either of the clients 34, 36 interacts with the desktop*

15   *40, 42 on the client 34, 36 to run software applications that reside*

16   *on the server 32. While the user provides input to and receives*

17   *output from the client 34, 36, most processing is performed at the*

18   *server 32.* (emphasis added). (Specification, Pg. 5, line 22- Pg. 6

19   line 5).

20   This description from the Specification provides at least one example of a

21   configuration upon which claim 1 reads and which is in contrast to the Office

22   assertion that "the client must have a driver to communicate with the server's

23   driver". At least in a scenario, as described above, where the application is

24   actually running on the server there is no need for the client to have a driver to

25   communicate with the server's driver as asserted by the Office. Further, the

25 17

25 PAGE 19/23 * RCVD AT 3/1/2005 2:40:55 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/6 * DNIS:8729306 * CSID:509 323 8979 * DURATION (mm-ss):05-46

Specification describes that "server 52 has a printing subsystem 64 implemented in the operating system 62 stored in memory 58. The printing subsystem 64 is used to direct all operations involving printers and printing, including installing printers, creating and managing printer queues, removing printers, uninstalling printers, etc." (Specification, Pg. 6, lines 21-25). Since the desktop on the client, at least in some implementations, is a mere representation of applications running on the server, there is no need for the client to "have a driver to communicate with the server's driver" as asserted by the Office. Applicant respectfully submits that the subject matter of this claim is sufficiently definite and clear. Accordingly, Applicant respectfully requests that the §112 second paragraph rejection of claims 1, 15, 26, 33, and 35 be withdrawn.

Further, it appears that the Office is identifying an advantage and point of novelty of claim 1 in that at least some implementations consistent with the present Application do not require a driver at both the client and the server. Since, as mentioned above, the Office did not find this limitation in the present Application, Applicant assumes that the Office is characterizing system requirements as taught by the art of record. Since claim 1 contains no such limitation and reads upon implementations which do not utilize such a configuration, Applicant respectfully requests that based on the Office's own statements that the §102 and §103 rejections of claims 1-40 be withdrawn.

35 U.S.C. § 112, First Paragraph

In the present Office Action, *claims 1, 15, 26, 33, and 35 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to*

18

which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the "installing ... not at the client" is not enabled in the Specification, thus it was ignored. (Final Office Action page. 3).

Applicant respectfully disagrees with the Office's assertion. The Specification beginning on page 6 and in relation to Fig. 2 describes a server/client system 50 having a server 52 and a client 54. (Specification, Pg. 6, lines 10-12). As evidenced from Fig. 2, server 52 includes a print driver 70, while client 54 does not.

In Fig. 2, the server 52 is shown having a printer driver 70 and a printer queue 72 installed and resident within the memory 58. The printer driver 70 is a printer-specific software program that provides an interface between a printer and the server 52 and allows the server 52 to provide print functions via the printer. When the printer driver 70 is installed on the server 52, the printer queue 72 is created. The printer queue 72 accepts print jobs from the server 52 and queues them for printing.

The Specification describes a print driver on the server and/or installing a print driver at the server at least at page 7 lines 5-12, page 7 lines 14-20, page 9 lines 10-19, page 10 lines 16-23. In contrast, the Specification does not describe a print driver on the client 54 or a process of installing a print driver on the client 54, nor do any of the figures show a print driver on the client. Accordingly, Applicant respectfully submits that the subject matter of these claims is enabled. Applicant respectfully requests that the §112 first paragraph rejection of claims 1, 15, 26, 33, and 35 be withdrawn.

35 U.S.C. § 102 and §103

1

2   The Office noted that it ignored express portions of the claims.

3   Accordingly, it is difficult for Applicant to formulate an appropriate response

4   when it is unclear from the Action what the Examiner has considered.

5   Accordingly, the §102 and §103 rejections are not addressed in this response.

6   Upon withdrawal of the §112 rejections and clarification that all claim elements

7   have been examined by the Office, Applicant will promptly provide any necessary

8   response.

9

Finality Improper

10

11 Applicant contends that the amendments of the July 12th 2004 Response

12 satisfy the statutory requirements including both §112 first paragraph and §112

13 second paragraph. Further, Applicant contends that the Office erroneously failed

14 to consider the amendments which were made as an earnest effort to place the

15 Application in condition for allowance. In not considering the amendments, the

16 Office has deprived Applicant of due process in having the application, as

17 amended, considered on its merits. As such, Applicant contends that the finality

18 of the December 14th 2004 Office Action is improper and should be withdrawn,

19 and that a new Office Action be issued which gives proper consideration to the

20 amendments of the July 12th 2004 Response.

21

22

23

24

25

20

Conclusion

Applicant submits that the above claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the present Application. Should any issue remain that prevents immediate issuance of the Application, the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

Respectfully Submitted,

Lee & Hayes, PLLC
421 W. Riverside Avenue, Suite 500
Spokane, WA 99201

Dated: _3/1/05_

Paul W. Mitchell
Reg. No. 44,453
(509) 324-9256 ext. 237

21